

# **Abstract**

## **Contract for health care under the Civil Code**

The subject of this thesis is a new type of contract, which was brought into Czech civil law by the Civil Code effective since 1 January 2014 – contract for health care. By including this special type of contract, the legislators practically agreed with a group of legal experts stating that health care is provided under contract, even before the new Civil Code became effective. This paper deals with the very conception of health care used in Czech legislation and with its comparison with the interpretation on this matter in legal codes, which were used by the authors of the provisions on contract for health care as inspiration.

First part of this thesis discusses the legal regulation of health care in the Civil Code. With aim to provide a coherent point of view of this type of contract, this part briefly describes other possible conceptions of this legal institute. Besides the solutions, which provided a source of inspiration to Czech legislators, and those which are similar to the new Czech regulation, conceptions of health care used in other states of mainly continental Europe are mentioned. That is followed by introduction of interpretation of relation between provider of care and patient applied in the Czech Republic before the new Civil Code became effective.

The core of this paper is focused on particular elements of contract for health care. This part provides detailed study of subjects that has capacity to act under this contract including their rights and duties. In relation to individual legal institutes, individual parts discuss their theoretical appreciation along with their possible practical use. Some of those parts also include relevant established practice of courts. Since the contract for health care in current form is part of Czech legal system shortly, the number of relevant opinions of courts applicable is rather low.

Following part of the thesis deals with a comparison of regulation of individual legal institutes used in the Czech Civil Code with corresponding provisions of the Civil Code of the Netherlands and European common frame DCFR. In connection to that, certain imperfections of current Czech regulation are mentioned along with thoughts of possible improvements.

The aim of this thesis is comprehensive introduction of the relation arising from health care along with its individual elements and comparison of Czech regulation of contract for health care under the Czech Civil Code with corresponding regulation in civil codes, which provided a source of inspiration to the authors. In that context, certain problematic points are mentioned together with ideas of their practical solution.